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# MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

## Report of the Secretary-General on violence against women migrant workers

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## Introduction

1. In paragraph 10 of its resolution 1997/13 entitled "Violence against women migrant workers", the Commission on Human Rights requested the Secretary-General to submit a comprehensive report at its fifty-fourth session on the implementation of the resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies. The same request was also made in General Assembly resolution 51/65 on violence against women migrant workers.

2. Pursuant to both resolutions, the Secretary-General on 22 July 1997, addressed requests to Governments, intergovernmental and non-governmental organizations concerned, and United Nations bodies, for information.

3. As of 26 December 1997, replies have been received from the Governments of Cyprus, Finland, Haiti, Jordan, Mauritius, Mexico, Morocco, the Philippines and the Russian Federation.

4. Replies were also received from the Department of Humanitarian Affairs, the Department of Public Information, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the United Nations Industrial Development Organization and the International Organization for Migration.

5. Comments were submitted by Christian Peace Conference and International Pen Women Writers Committee.

6. The present report contains a summary of the substantive replies received. In that regard, the comments received referred to both General Assembly resolution 51/65 and Commission on Human Rights resolution 1997/13.

7. Any additional replies will be reproduced in an addendum to the present report.

## I. COMMENTS RECEIVED FROM STATES

### Cyprus

[Original: English]
[25 September 1997]

1. Women in Cyprus have been subjected to gross violation of human rights and physical abuse since the Turkish occupation in 1974. They invariably had to assume responsibility for the family in the absence of male support. Those women and children in captivity suffered greatly as they had become refugees in their own country and often had to carry the full brunt of the suffering.

2. Due to the increase in general sensitivity to the phenomenon of violence in the family, specific legal action has been undertaken to prevent and combat violence through the drafting of the bill entitled "Law on the Violence within the Family (Prevention and Protection of Victims)".

3. The bill was initiated by the Law Commissioner and drafted in close collaboration with the Ministry of Justice and Public Order, the Welfare Department, their National Machinery for Women's Rights, the Association for the Prevention and Handling of Domestic Violence, the Police, the Attorney-General's Office and Members of Parliament. The aim of this law, passed in June 1994, was actually to remedy the weaknesses of the available judicial and administrative procedures in the cases of violence within the family and also to provide the necessary support and assistance to the victims.

4. By generally increasing the penalties of violence, the new law passes on a clear and strong message to the public that violent acts within the family are very serious crimes and severely punished. In addition, the new law clarifies that rape can be committed within marriage, speeds up trials dealing with violent cases, facilitates the reporting of violent incidents, provides for the issuing of inhibition orders prohibiting the assailant from entering or staying in the marital home, provides for the appointment of family counsellors and sets up the advisory and monitory committee on domestic violence and also a multidisciplinary group of experts to provide the right assistance to children and young victims. If also provides for therapeutic measures as an alternative remedy to the discretion of the judges.

5. In an effort to gain the confidence of victims of violence to report such cases, the Police Academy has introduced special training courses in close collaboration with the Association for the Prevention and Handling of Domestic Violence. Under the provisions of the new law, victims can report incidents of violence directly to the police, or indirectly through the family counsellors. Medical officers, the Members of the Consultative Committee and the Association for the Prevention and Handling of Domestic Violence.

6. The Department of Social Welfare is primarily responsible for providing residential accommodation and crisis relief to mistreated women and their children. The Department organizes in-service training for social workers to enable them to detect and make early diagnosis of cases of violence within the family and offer the relevant support and assistance. Through a system of social workers on call, the Department provides services to emergency cases during non-working hours. Finally, the new law empowers family counsellors, who are social workers dealing with domestic violence, with extended powers to enable them to act in a more effective way.

7. Family counsellors receive complaints, carry out investigations, advise, counsel and mediate for the solution of all problems in the family which are likely to lead or have led to the use of violence, make the necessary arrangements for the immediate medical examination of the victim and if necessary take steps for the commencement of a criminal proceeding against the perpetrator.

8. A Centre for the Immediate Help of Victims of Domestic Violence is run by the Association for the Prevention and Handling of Domestic Violence (a voluntary organization). Specific aims of this programme are: the provision

of immediate help in crisis situations upon victim's request, psychological support to victims, guidance and counselling, legal advice and shelter in emergency situations. Help is mainly given through the telephone and sometimes through personal interviews as well. The programme is partly funded by the Government.

9. Non-governmental organizations play a very significant role in making the problem of domestic violence visible to society, especially through their enlightenment and sensitization programmes, involving the mass media and in providing practical assistance, advice and guidance to the victims. The Government attaches great importance to the cooperation of its competent authorities/agencies with NGOs working in this field and to that end it subsidizes and supports their relevant programmes and activities.

10. The Republic of Cyprus, being concerned about prostitution or other forms of slavery or exploitation of women, has ratified the various conventions which guarantee equal rights to women and men. Since 1994 a specific legislation against domestic violence has been enacted in addition to the existing provisions of the Criminal Code which covers violence in general.

11. The Criminal Code, Cap. 154, deals with offences against morality. Prostitution itself does not constitute an offence but other activities associated with prostitution, such as managing a brothel, procuring a woman to become a prostitute, and living on the earnings of prostitution are punishable by the law.

12. Cyprus is a country where foreign night club performers and maids are employed. Generally, these women are East Asian or Eastern Europeans. It is an established fact that a number of such performers and maids voluntarily expose themselves to prostitution against payment. There are instances, however, in which evidence was secured against some agents or employers that they forced or persuaded or procured their employees into prostitution against profit. This form of exploitation constitutes a criminal offence and every effort is being made to substantiate the case and prosecute the offenders.

13. Unfortunately, victims of prostitution are not always willing to file a complaint or press charges, either because they fear losing their jobs or because they want to avoid exposing themselves to public criticism.

14. An emerging pattern of prostitution that is lately observed, takes place in some premises used under the pretext of "Massage Institutes".

15. In an effort to combat prostitution and other forms of exploitation of women, the police is taking a number of measures, including:

- Maintaining cooperation with embassies and exchanging information and assistance.

- Officers of the Aliens and Immigration Department of Police, explain to the females entering Cyprus as performers and maids of their rights, obligations and ways to be protected from abuse, exploitation and procurement into prostitution.

- Regular inspection of night clubs and other places of entertainment by the police, for the protection of these women from being exploited into prostitution.

- By frequent raiding of premises, used as brothels under the pretext of "Massage Institutes", for enforcing the relevant law.

## Finland

[Original: English]
[24 November 1997]

1. The position of women is one of the priority areas for Finland's human rights policy. Finland therefore attaches great importance also to the situation of migrant women. The size of the immigrant population in Finland is, however, relatively small and only some 2.2 per cent of the population in Finland are born abroad. The majority of the immigrants have arrived from the Russian Federation, Estonia and Sweden. While the share of women in the immigrant population (48.7 per cent) has increased from 1990 (43.2 per cent) owing to the limited number of immigrants most of the governmental measures to combat violence against women are targeted not only at the migrant women per se but at the society at large.

2. The Government approved a programme for sexual equality on 6 February 1997 according to which the Government will develop a national strategy aiming at preventing violence against women. Also prostitution and illegal sex business will be targeted by the project, the main objectives of which are to improve information regarding the problem of violence, training of professional workers, improving the statistical methods, increasing research, developing legislation and improving the administrative procedures.

3. The Advisory Board for Equality Issues and its subdivision for violence has spearheaded and coordinated the measures to combat violence against women. Many projects have been initiated both at the national and local levels. Also, changes in the Finnish legislation have been made which improve the situation of battered wives. The legislative changes include i.e. the right of victims of sexual crime and violence to obtain free of charge legal representation. Currently an extensive survey is being conducted to determine the scope and nature of the violence against women in Finland. The survey is expected to be completed by March 1998. These initiatives and measures also benefit those migrant women who have been exposed to violence.

4. The Government also approved an immigration- and refugee programme on 16 October 1997 and made a decision-in-principle regarding positive measures by the public sector to increase tolerance and prevent racism. The Advisory Board for Refugees and Immigration Matters and its working group for migrant women released a report on the situation of migrant women on 4 April 1997. The report proposed a number of measures regarding i.e. the situation of women in the labour market and violence against migrant women. The working group also conducted a pioneering study regarding the situation of migrant women in Finland. The Advisory Board has furthermore prepared a brochure regarding the status, rights and obligations of migrant women in Finland. The brochure is available in various languages.

5. Many initiatives aiming at improving the employment situation of immigrants have furthermore been launched at a local level and migrant women have been a special target group for these initiatives.

## Haiti

[Original: French]
[18 September 1997]

1. Haiti currently has 1 million inhabitants living abroad. They include many men and women workers who left their native land in search of a better life. These Haitians are to be found in Guyana, the Bahamas, the Dominican Republic, Miami, etc., and live in subhuman conditions. Women more than men are victims of unfavourable conditions in the host countries particularly because of the special conditions of their socialization. They are less well trained than men and therefore have great difficulty in finding work in the labour market. They are responsible for bringing up their children and thus are less available to take up employment and participate in civil life. Efforts must be made to implement the resolutions aimed at ensuring their protection.

2. In order to guarantee better conditions for women migrant workers, the establishment of a legal framework is of capital importance. To deal with the problems of violence of which they are victims in host countries, the implementation of legislative provisions is essential. The law not only defines the general conduct expected by members of the host society vis-à-vis women migrants, but also offers the latter remedies to protect themselves when they suffer prejudice.

3. In this respect, paragraphs 3 to 8 of resolution 51/65 on violence against women migrant workers seem pertinent. The United Nations should encourage Member States to adopt this set of measures with a view to better protection of women migrant workers.

4. Concerning the mechanisms to be put in place to monitor and evaluate the problems of women migrants and means of improving their conditions of life, namely the provisions in paragraphs 9 to 11, we think that these measures are still insufficient. It is essential, in our view, for coordinating structures to be established at the national (government, civil society) and international levels. At the second Latin American seminar on women migrants, held in Argentina, recommendations were made concerning the establishment of mechanisms for coordination and cooperation between official bodies, foreign bodies and social welfare institutions with a view to providing better care for migrant populations. Such a structure for coordination between international organizations and the organizations of civil society should contribute to ensuring better support for women migrant victims of violence particularly through education, initiation in the host country's legislation and the institution of programmes to prevent the violence of which women migrants might fall victim.

5. In addition, the resolution does not envisage the need for Member States (host countries and countries of origin) to be committed to instituting education programmes for public and private sector personnel in contact with

migrants with the aim of harmonizing operational criteria and providing more efficient services for women migrants. This aspect should be reflected in the resolution. In general, we think that emphasis should be placed on the need for Member States to develop education and public awareness campaigns in host countries to promote the integration of women migrants and protect them against violence.

## Jordan

[Original: Arabic]
[9 September 1997]

### In law

1. Article 2 of the Labour Act No. 8 of 1996 defines the term "worker" as any male or female person who performs wage-earning work for and under the orders of an employer. This includes young persons and anyone under probation or training. Accordingly, this definition is comprehensive and does not distinguish between workers on grounds of sex or nationality. The provisions of the Labour Act granting rights and privileges to workers apply to all workers, whether male or female, Jordanian or non-Jordanian. Furthermore, workers have the right to institute legal proceedings against their employers in order to claim their employment-related rights which the latter have an obligation to honour.

2. Article 29 of the Labour Act contains a provision under which the worker is entitled to abandon his work without notice, while retaining his legal right to the separation-from-service indemnity and any compensation that might be due to him in respect of unemployment or damages, in the case inter alia, that he is physically assaulted or humiliated by his employer or any of the latter's representatives.

### In practice

3. The Ministry of Labour has neither received nor recorded any report of an incident involving violence against women, whether Jordanian or non-Jordanian.

## Mauritius

[Original: English]
[17 November 1997]

1. Women migrant workers are protected by the Constitution and other laws of the country. As regards abuses and acts of violence against women migrant workers by employees, these are governed by labour laws.

2. Government will introduce shortly a bill preventing sexual harassment. Female migrant workers are also protected by the Protection from Domestic Violence Act in case they live with a spouse.

# Mexico

[Original: Spanish]
[28 October 1997]

1. International women migrants have become an especially vulnerable population group, since their gender status and social, legal and political inequality are compounded by their status as migrants. Violence against women migrant workers is a problem of great concern for the international community in general and for Mexico in particular.

## I. Profile of Mexican women migrants

2. Concerning the characteristics and profile of migrants there are some assumptions which are not borne out in fact, particularly the assumptions that migrants are mostly men and that female migrations constitute "passive displacements". As regards both international and internal migration, those assumptions are certainly unfounded.

3. Women migrating internally in Mexico account for 51 per cent of the migrant population, a figure that is similar to the overall percentage of women and reflects the general process of urbanization and the growth of cities. The year 1940 saw the beginning of the flow of women from various backgrounds to the labour markets in the large cities, and there was a gradual increase in the movement of women who were not necessarily migrating to join their partners or family members; as a result, in terms of place of birth, 6.8 million people, including 3.5 million women (51.4 per cent) migrated in 1970, and in 1990 the total number of migrants was 13.9 million, of whom 7.3 million (53 per cent) were women. This migratory flow accounted for 13 per cent of the total population in 1970 and 17.2 per cent in 1990.

### Internal migration

#### Origin and destination

4. The 1990 Mexican census made it possible to measure not only the migratory flow according to place of birth but also more recent population movements due to changes of place of residence in the previous five years. With the first indicator we can observe the more profound and general trends that originated in the 1940s with the development of industry and the services sector, and with the consequent generation of jobs that gave rise to displacements from rural to urban areas.

5. With regard to place of birth, in 1990 the states with the highest negative migratory balance, i.e. those releasing proportionally more women than they received, were: Zacatecas, Hidalgo, Durango, San Luis Potosí, Michoacán, Oaxaca, Guanajuato and Guerrero. This is to be explained by the limited regional development and conditions of poverty in those states. In this respect, the origin and destination of women migrants are in part comparable to those of men.

6. As regards migration by place of birth, 22 per cent of females aged 12 years and above were not born in the place where they were living

in 1990. The state of Quintana Roo had the highest proportion of women immigrants, owing to the fact that it is an international tourist centre which has absorbed women immigrants in the services sector. Second place is occupied by Baja California, which has become a centre of attraction both for its in-bond industry and as a border crossroads for international migration of women. In third place comes the state of Mexico, which, because of its industrial development and its proximity to the Federal District, is a major attraction for women migrants. The states of Chiapas, Guerrero, Oaxaca and Yucatán are less attractive, partly because they are the poorest and have a low level of development and few jobs to offer.

Age

7. Women migrants are essentially adolescents and young persons looking for a better life outside their native towns and villages. In 1990, according to place of birth, the women constituting the largest percentage were those in the 20 to 24 age group; in second place were those aged 25 to 29; and in third place came those aged 15 to 19. With increasing age the percentage of women migrating decreases, a pattern that is not very different from that of women who, in terms of place of residence, reported having migrated in 1985: those aged 15 to 19 represented 19.62 per cent, those aged 20 to 24 made up 19.19 per cent and those aged 25 to 29 accounted for 15.38 per cent.

Schooling

8. The question of schooling highlights the inequality of women. According to the information obtained for place of residence in 1985, 17.98 per cent of women migrants aged 15 and over were illiterate, and for males the figure was 14.91 per cent. There is a higher rate of illiteracy in this migrant population than for the country as a whole. Of all migrants 82.2 per cent were literate and 16.5 per cent illiterate.

9. The educational backwardness of women migrants is also evident from an analysis based on place of birth and, in general, illiteracy among migrants is much greater than in respect of place of residence and higher than the national level. In all, 50.07 per cent of the migrant population is illiterate and 49.21 per cent literate. Of the illiterates, 47.51 per cent are males and 52.04 per cent are females.

10. However, the literate female migrant population contains a higher percentage of women with post-primary education. Of the almost 29 million females aged 12 years and over in the country, approximately 44 per cent had post-primary education, whereas in the case of women migrants that proportion was 48.5 per cent. This indicates that women migrants by place of residence had received more education than other women. In general it may be observed that women migrants have a higher level of education than the national average. Whereas 23.7 per cent of women in the overall population had incomplete primary education, the percentage of the total of migrants was less, at 17.83 per cent. This pattern is repeated in respect of women with complete primary education: the percentage of the total population in this case was 20.98 per cent, whereas that for women migrants reached 23.81 per cent. This phenomenon, with some variations, is also repeated in respect of migration by place of birth.

11. The highest percentages of women migrants without education by place of residence are found in the states of Chiapas, Oaxaca and Guerrero (the poorest states in the country and those with the greatest educational backwardness of women); the states of origin of women migrants with the highest rates of incomplete primary education were Zacatecas, Campeche and Oaxaca, and the states of origin of those with the lowest rates were Querétaro and the Federal District.

External migration

12. In the past 15 years more than two thirds of undocumented migrants have been found to be of urban origin and, together with the larger urban predominance in origin and destination, the proportion of women has grown rapidly.

13. According to the survey on migration in the northern border region of Mexico conducted by the Colegio de la Frontera Norte, the National Council on Population and the Department of Labour and Social Welfare, women migrants represent about 5.6 per cent of the total flow. Between 1993 and 1994, this flow increased to about 798,000 persons. It should be noted that the figure does not include movements originating in border cities, but only those coming from the interior.

Socio-economic profile of the woman migrant

14. As a result of several studies it has been possible to conclude that the greater the degree of urbanization, the higher is the percentage of women joining the migratory flow. For this reason, the migratory flow in which males previously predominated has been modified by the growth of the female population, which has doubled and in some cases tripled in less than 25 years.

15. According to the information from the Colegio de la Frontera Norte, 52 per cent of all women migrants are from border cities, and 47.4 per cent come from other parts of the Republic. With regard to women who emigrate to the United States of America from border cities, almost all (97.9 per cent) are from Ciudad Juárez, and that city therefore occupies first place as a source of cross-border female migration.

## II. Violence and discrimination against Mexican women migrants

16. Insofar as wages are concerned, Mexican women migrant workers earn less and work under more difficult conditions than men, since in many cases they are subcontracted. There is considerable evidence to show that, on average, these women constitute the group that receives the lowest wages, as compared both with male migrants and with women from the place of reception.

17. This situation is more apparent when women migrant workers are employed in domestic services, where they are subject to working conditions that may be considered exploitative, with long working days, low wages and no benefits, a high dependency on the employer to obtain food and accommodation, limited freedom of movement, as happens with less structured and less formal jobs, including those in which male migrants are to be found. In that regard, the United Nations Population Fund reports that, in various fields of paid

employment, women migrants typically receive the lowest wages, hold the least secure jobs and have a lower status, mostly as domestic employees, nannies and shop assistants.

18. At present the need to earn is the most important consideration obliging women workers to emigrate, but their high level of marginalization in the labour market ultimately leads to double, triple or even quadruple discrimination, on account of their sex, place of origin, social status, tradition and culture.

19. In addition, the great majority of women migrant workers have to cope with problems of isolation, due in part to lack of language proficiency, which increases their vulnerability.

20. With regard to sexual abuse, according to information provided by non-governmental organizations working for the protection of migrant workers, there is a quite large incidence of such offences, but the victims rarely report them officially, out of fear or shame.

21. The largest number of complaints made by Mexican women migrants in the early 1990s to Mexican consular offices in the United States related to abuse of authority (physical ill-treatment and intimidation or threats) and sexual abuse and/or rape. In this latter regard, it must be emphasized that such gender-based violence is clearly directed against Mexican women migrants since, in the 13 documented cases of rape and/or sexual abuse, all the victims were women.

Violence against juvenile Mexican migrants

22. The migration of Mexican boys and girls to the United States of America is a well-known phenomenon that cannot be underestimated. According to various official sources, the percentage of migrations of juveniles in total migration is calculated at between 8 per cent and 13 per cent, depending on the city from which they cross. Of these migrants, about 83 per cent involve boys and 17 per cent girls, depending on the survey used.

23. According to a survey made by the National Human Rights Commission on repatriated juveniles, about 50 per cent of those surveyed reported that the motive of their migration had been to find work, i.e. it was for economic reasons; meanwhile, 15.4 per cent of the juveniles stated that the reason for their travel had been to locate relatives.

24. Ill-treatment of juveniles largely involves some kind of physical or verbal ill-treatment, including deprivation of food, confiscation of their belongings and papers, insults of a racial character, oaths, kicking, punching or pushing, and in some cases the juveniles may be handcuffed at the time of their detention. In its report on repatriated juveniles, the National Commission argues that the situation of juvenile migrants resembles that of street children. The street child who arrives at and crosses the border between Mexico and the United States, who is then repatriated and who insists on staying in the border area because he does not wish to return to his place of origin or because he wants to try and cross again, is subject to additional

dangers because he is in a zone of high risk where, in his desperate efforts to survive, he may become involved in criminal activities such as contraband, drug trafficking, prostitution or robbery.

## III. National measures and programmes for the protection of migrants

25. The Government of Mexico considers that respect for the human rights of all migrants, irrespective of their migratory status, must be given priority in the comprehensive treatment of the migration phenomenon, both at the bilateral and multilateral level and in the formulation of national migration policies. One of its fundamental concerns is respect for the human rights of aliens entering Mexico, especially those doing so without documentation, a circumstance which in any part of the world makes them more vulnerable.

### A. National legislation

26. The Political Constitution of the United Mexican States provides as follows:

> "Article 1. Every person in the United Mexican States shall enjoy the guarantees granted by the Constitution, which may not be restricted or suspended except in such cases and under such conditions as are therein provided.
>
> "Article 3 (c). [Education] shall contribute to the improvement of human relations, both through the teachings imparted to pupils to strengthen, together with an appreciation of personal dignity and family integrity, a sense of general social welfare, and through the care taken to foster ideals of the brotherhood and equality of rights of all human beings, thus avoiding privileges for any race, religion, group, sex or individual.
>
> "Article 5, paragraph 5. The State cannot permit the execution of any contract, covenant or agreement having for its object the restriction, loss or irrevocable sacrifice of freedom of person for any reason.
>
> "Article 11. Everyone has the right to enter and leave the Republic, to travel through its territory and change his residence without need of a letter of security, passport, safe conduct or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary, in cases of criminal or civil liability, and to those of the administrative authorities insofar as concern the limitations imposed by the laws regarding emigration, immigration and public health of the Republic, or in regard to undesirable aliens resident in the country.
>
> "Article 33. Aliens are persons who do not possess the qualifications specified in article 30. They are entitled to the guarantees granted by chapter I, Title I, of the Constitution (concerning individual guarantees), but the Federal Executive shall have the exclusive power to expel from the national territory forthwith, and without need for judicial process, any alien whose presence it may deem inappropriate."

27. The General Population Act provides as follows:

"Article 3.

VII. Subject the immigration of aliens to the terms deemed appropriate, and ensure the best possible adaptation of such persons to the national environment and their appropriate distribution within the territory;

VIII. Restrict the emigration of nationals when the national interest so requires;

"Article 7. Concerning matters relating to migration, the Ministry of the Interior shall:

I. Organize and coordinate the various migration services.

II. Supervise the entry and departure of nationals and aliens, and inspect their documents;

III. Apply this Act and its regulations; and

IV. The other powers conferred upon it by this Act and its regulations and any other statutory or regulatory provisions.

"Article 13. Nationals and aliens entering or leaving the country shall satisfy the requirements of this Act, its regulations and any other applicable provisions.

"Article 16. The migration service shall have priority, except over the health service, in inspecting the entry or departure of persons in any form, whether by national or foreign carriers, by sea, air or land, on the coasts, at ports, borders and airports of the Republic.

"Article 20. The Ministry of the Interior shall regulate, in accordance with the particularities of each region, the visits of aliens to maritime or border settlements or airports providing for international transit. The same shall apply to daily transit between border settlements and areas adjoining foreign territory, in each case respecting international treaties or agreements on this matter.

"Article 32. The Ministry of the Interior shall set, on the basis of relevant demographic studies, the number of aliens who may be admitted into the country, either on business or for residence, and shall impose such terms as it may deem appropriate on the immigration of aliens, according to their ability to contribute to national progress.

"Article 34. The Ministry of the Interior may fix for aliens entering the country the conditions which it deems appropriate having regard to the business which they are to conduct and to their place or places of

residence. It shall also ensure that immigrants are useful to the country and have the necessary income for their own subsistence and for the subsistence of any dependents.

"Article 38. The Ministry of the Interior shall have the power to suspend or prohibit the entry of aliens when the national interest so determines.

"Article 74. No one shall give employment to aliens who have not beforehand shown evidence of their legal status in the country and without having obtained specific authorization to provide the service in question.

"Article 80. The transportation in collective form of Mexican workers shall be monitored by personnel of the Ministry of the Interior with a view to securing compliance with the relevant laws and regulations.

"Article 123. A penalty of up to two years' imprisonment and a fine of 300 to 5,000 pesos shall be imposed on any alien staying illegally in the country.

"Article 138. A penalty of 2 to 10 years' imprisonment and a fine of up to the equivalent of 10,000 days' minimum wage as applicable in the Federal District shall be imposed upon anyone who personally or through another person or persons attempts to take or takes Mexican nationals abroad to stay illegally.

"The same penalty shall be applied to anyone who personally or through another person or persons, without legal permission from the competent authority, attempts to bring or brings one or more aliens illegally into the territory of Mexico or another country, or who harbours them or transports them through the national territory with the purpose of concealing them to evade inspection by the migration authorities.

"Anyone who knowingly provides the means or offers or serves to carry out the acts described in the preceding paragraphs shall be liable to a penalty of one to five years' imprisonment and a fine of up to the equivalent of 5,000 days' minimum wage as applicable in the Federal District."

28. The regulations of the General Population Act provide as follows:

"Article 55. The migration authorities shall be required to deny entry to aliens who seek to stay without migration documents or who are prevented from being admitted by the provisions of articles 56 and 57.

"With respect to aliens who attempt to stay with expired or irregular documents, action shall be taken in accordance with such instructions as may be issued by the Ministry of the Interior except in the cases referred to in articles 94 and 99."

29. The Decree promulgating the agreement between Mexico and various nations on conditions applicable to aliens (Official Gazette of 20 August 1931) provides as follows:

> "Article 2. Aliens shall be subject, like nationals, to local jurisdiction and laws, observing the limitations stipulated in conventions and treaties.
>
> "Article 5. States shall grant aliens temporarily domiciled in their territory all the individual guarantees granted to their own nationals and the enjoyment of basic civil rights, without prejudice, insofar as aliens are concerned, to the legal requirements relating to the scope and terms of exercise of such rights and guarantees."

30. It should be noted that the recent approval of the draft Federal Act against Organized Crime, as a public instrument in the interest of society designed to establish specific rules for the pursuit, prosecution and punishment of members and collaborators of organized crime networks, including gangs dedicated to trafficking or trade in children or trafficking in undocumented migrants, as well as legislative measures for the dismantling and eradication of such criminal organizations, is intended to guarantee public safety and safeguard the sovereignty and security of the nation.

B. National Migrant Protection Programme

31. At the national level, the Mexican Government has instituted the National Migrant Protection Programme to define and implement activities aimed at defending and safeguarding the human rights and protecting the physical integrity and property of migrants in national territory, regardless of their nationality and migrant status, with particular emphasis on the border areas of our country, considering that Mexico is a country of origin, transit and destination of migratory flows. This action was taken in view of the fact that migrants, because of their precarious social, legal, economic and psychological situation, are easy victims of common criminals, organized criminal gangs or gangs of traffickers in persons and dishonest authorities that commit offences against them, such as assault, robbery, abuse, extortion or other violations of the basic rights which are guaranteed, without distinction, in Mexican law.

32. The programme responds to the Mexican Government's steadfast ethical and moral commitment to comply with its international undertakings in this matter, particularly with our neighbours, as well as the need to provide consistency in foreign policy actions and ensure the moral authority to defend the rights of our fellow nationals.

33. Although the National Migrant Protection Programme is not directed exclusively towards women, its six basic components work for their benefit: migrant protection groups; dissemination of the basic rights and obligations of migrants in our country, through the booklet "Guide on Human Rights for Migrants"; migration service supervision of respect for human rights; strengthening of a culture of respect for human rights among migration personnel; upgrading of the migrant centres where undocumented foreign

migrants stay pending transfer from the national territory to their countries of origin; and strengthening and consolidation of consultation mechanisms on consular protection.

34. Attaching great importance to the human rights of women migrants, the Government of Mexico has made intensive efforts to promote and guarantee their decent treatment in conformity with the various international human rights instruments. To that end, it has set up programmes such as the National Migration Supervision Programme, which provides for permanent supervision of the activities and procedures of inspection, monitoring and control of migrants carried out by the authorities of the National Migration Institute and of respect for human rights.

35. It should be pointed out that the main activities of the Programme, under the responsibility of the Ministry of the Interior, include the creation of migrant protection groups consisting of members of the three branches of the Federal Government mandated to fight crime and protect the human rights of migrants in border areas. These groups have established links for coordination with various public and private social welfare institutions charged with providing shelter for migrants in the cities in which they operate to channel migrants who are identified as requiring and seeking assistance towards those institutions.

36. The "Guide on Human Rights for Migrants" booklet, prepared jointly by the Ministry of the Interior, through the National Migration Institute, and the National Human Rights Commission, was created with the object of informing national and foreign migrants, whether documented or undocumented, about the human rights guaranteed by the Constitution and other legislation of our country. The booklet contains essential information for victims of violence to lodge complaints, thus enabling the prosecution of those responsible. A Programme for the Regularization of the Residence of Agricultural Workers, in which women play an important part, has also been established.

37. With regard to the commitment to combat illegal migrant trafficking, it should be pointed out that the Ministries of the Interior, Finance and Public Credit, Communications and Transport and the Office of the Attorney-General are making an inter-agency effort to combat and punish trafficking in undocumented migrants. In accordance with the foundations for coordination signed on 23 March 1995, the object is to punish offences under article 138 of the General Population Act and to stem the flow of undocumented persons towards our country.

38. In this regard, the Official Gazette of the Federation on 7 November 1996 published the Federal Act against Organized Crime, which provides in article 2, section III, for the punishment of three or more persons who agree to organize or organize themselves to carry out, on a permanent or repeated basis, acts which per se or combined with other acts have as their object the traffic of undocumented individuals, pursuant to article 138 of the General Population Act.

39. In addition, it should be noted that the General Population Act was amended in November 1996 to provide greater legal safeguards in action and proceedings involving migrants, to promote family integration and combat more

rigorously offences related to trafficking in human beings, as well as to provide greater protection of the human rights of aliens in our territory and members of their families, affording opportunities for the family's economic integration and adaptation to the national environment.

40. The amendments to the Act seek to punish with greater rigour those who jeopardize the health, integrity or lives of migrants or traffic in minors. Since it is intolerable that public servants should be involved in these activities, the sanctions in such cases have also been increased. This is a general demand of society that persons committing the offence of trafficking in undocumented individuals should be punished with greater severity.

41. Furthermore, the National Migration Institute, the National Human Rights Commission and the Office of the United Nations High Commissioner for Refugees have trained migration officials responsible for law enforcement to provide assistance to women migrant workers who are victims of acts of violence. In this context, the National Migration Institute established the Migrant Protection Directorate to attend promptly to any complaints.

42. Lastly, it should be pointed out that women migrant workers are subject to the national labour standards and are entitled to avail themselves of the social security arrangements in our country, without their migrant status being an obstacle to the receipt of such benefits.

## IV. Bilateral cooperation through consular protection mechanisms

43. Taking into consideration the need to promote better communication regarding migration, and in order to arrange for such communication and ensure its transparency, the Government of Mexico has signed various agreements with a view to creating consular protection mechanisms. The purpose of such mechanisms is to facilitate local consultations between consular representatives and migration authorities and to contribute to action within the framework of the law and unconditional respect for human rights, regardless of migrant status.

44. Mexico-Guatemala, Mexico-Honduras, Mexico-Costa Rica and Mexico-El Salvador consultation mechanisms on consular protection have thus far been instituted. Various liaison mechanisms have been established with the United States of America involving authorities of the two countries at various levels.

45. In addressing the issue of migration between Mexico and the United States, and especially in the light of the enactment of the new United States law on migration, our country has taken specific steps to ensure that Mexican women migrants receive due consular protection and, in particular, are not discriminated against, abused or subjected to inhuman treatment during their detention.

46. In this connection, both Governments have undertaken, through the Memorandum of Understanding on Consular Protection of Mexican and United States Nationals, signed on 7 May 1996, to provide any individual detained by migration authorities with notice of his or her legal rights and options, including the right to contact his or her consular representatives,

and to facilitate communication between consular representatives and their nationals. Both Governments will endeavour, consistent with the relevant laws of each country, to ensure that specific notification to consular representatives is given in cases involving the detention of minors, pregnant women and people at risk.

47. Furthermore, Mexico has sought to ensure that the repatriation of Mexican women migrants is effected in a safe and orderly manner, on the basis of specific criteria and provisions agreed upon bilaterally. This process has been a particular concern for Mexico, since the aim is to make sure that repatriation does not mean the separation of families, and that women receive dignified and non-discriminatory treatment and are not subjected to situations that might jeopardize their physical integrity.

48. With the signature of the Joint Declaration on Migration by the Presidents of Mexico and the United States of America on 6 May 1997, the two Governments reaffirmed their commitment to strengthening bilateral cooperation in order to manage the migration phenomenon. As a basis for efforts to that end, the Presidents ratified the following principles, which are to be applied when dealing with migrant communities:

> The sovereign right of each State to formulate and apply its migration laws in the form most appropriate for its national interests, always in keeping with the norms of international law and in a spirit of bilateral cooperation;
>
> Full compliance with the objectives of the Memorandum of Understanding on Consular Protection of Mexican and United States Nationals, signed on 7 May 1996, especially respect for the human rights of all migrants;
>
> The pursuit of a comprehensive approach to managing the migration phenomenon and the common border which would transform the differences between the two nations into sources of strength and lead to mutually beneficial economic and social development, ensure family reunification and protect the dignity of the human being.

49. On the basis of these principles, the Presidents of Mexico and the United States expressed the commitment of their Governments to intensifying dialogue and redoubling efforts to achieve various objectives that would contribute to guaranteeing the effective protection of migrants, in particular women. Those objectives are, inter alia, to:

> Protect the rights of migrants and take energetic steps to secure justice in the event of complaints of illegal acts by migrants and border communities, as well as to respect both constitutional safeguards and the right to due process in the application of migration laws;
>
> Ensure the institution of safe and orderly repatriation procedures for migrants;
>
> Formulate and apply new measures to reduce violence along the border and protect innocent victims of traffickers from the danger of crossing desert and mountainous areas, including, among other measures, a

vigorous education and public information campaign to warn families on both sides of the border about the risks of crossing through such zones;

Arrive at a comprehensive approach to migration between the two countries, through scientific studies resulting from cooperation, which would contribute to bilateral understanding of the migration phenomenon.

50. In this connection, Mexico and the United States of America prepared a "binational study on migration" covering basic issues related to the current situation of migrants - characteristics, quantification, causes and effects of and responses to migration.

51. The purpose of the study is to learn about the situation of this group and about the general, historical, socio-economic and prospective conditions and characteristics of migrants, including women, in each of the two countries, through analysis of a series of demographic and social, labour and legislative indicators.

52. The study was prepared by specialists of both countries with the object of understanding and evaluating the most significant aspects of migration in Mexico's northern border region, as well as its socio-economic effects and bilateral policy, with a view to the adoption of bilateral policies to deal with this particular problem.

53. The completion of the study will undoubtedly contribute to the formulation of programmes to meet each of the goals which, in Mexico's view, have to be achieved in order to improve the status of migrants, both men and women, in all areas of private and social life, including: promoting and protecting human rights, especially those of women, with a view to preventing and eliminating acts of violence against them; supporting women workers, irrespective of their migrant status, in order to enhance their capacities; promoting women's participation in all areas of decision-making; and recognizing and valuing the contribution of women's unpaid work to the economy and to family well-being.

## V. International cooperation

54. International cooperation is crucial for the full implementation of measures to ensure coordination with the various public and private social welfare institutions at national and international level, and Mexico has therefore participated actively in encouraging cooperation in this matter.

55. At the First Regional Conference on Migration, held at our country's initiative in March 1996, the participating Governments agreed to condemn violations of the human rights of all migrants, whether documented or undocumented, and strive towards the elimination of such violations, and they also agreed to give particular attention to the special needs of women, including their protection when appropriate.

56. They further agreed to encourage the States of the region, in particular those with common borders, to promote mechanisms for consultation on migration issues and protection of the human rights of migrants, involving authorities at various government levels, such as law enforcement officials, and consular

and diplomatic representatives of the countries, and included in the Plan of Action of the Regional Consultation Group on Migration the formulation of training programmes for officials to ensure that women migrants receive appropriate and non-discriminatory treatment.

57. At the Second Regional Conference on Migration, held on 13 and 14 March 1997 in the Republic of Panama, with the participation of Belize, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States of America, the Governments adopted a Plan of Action and agreed to establish the Regional Consultation Group on Migration in order to move forward with the implementation of measures consistent with the agreements reached at the two Regional Conferences.

58. It was decided to establish a coordinating committee, as a body for liaison and coordination of follow-up measures and interchange of information to implement the Plan of Action, consisting of the host country of the Regional Conference due to be held and the host country of the previous Conference.

59. The Plan of Action resulting from the Second Regional Conference contains a specific section on human rights aimed at giving full effect to existing provisions on the human rights of migrants, irrespective of their migrant status, as defined in the Universal Declaration of Human Rights of 1948 and other relevant international instruments.

60. As part of the measures designed to attain this objective, the Governments of the region reiterated their commitment to affording appropriate treatment to migrants, regardless of their migratory status, giving particular attention to the special needs of women, children, older persons and the disabled, including their protection, through training of the officials involved. This measure of vital importance provides continuity with the agreement reached at the First Conference "to condemn violations of the human rights of migrants and others, regardless of their migratory status, and strive towards the elimination of such violations. Particular attention shall be given to the special needs of women and children, including their protection when appropriate".

61. The Plan of Action of the Second Regional Conference sets forth, inter alia, the following objectives:

> Elaboration, revision and application of a national migration policy based on national interests, the dynamics of the migration phenomenon and the commitments made as a result of the First Regional Conference on Migration;
>
> Exchange of information on migration policies and legislation;
>
> Identification of basic standards relating to information, issuance and security of migration documents at regional level;
>
> Promotion of better understanding of the regional migration phenomenon through a comprehensive, objective and long-term approach to the origins, manifestations and effects of regional migration;

Strengthening of action to combat illegal trafficking in migrants, with a view to its eradication;

Promotion of information interchange to combat illegal trafficking in migrants;

Strengthening of the work of coordination between Governments and with international organizations on the procedures for returning irregular migrants;

Development of a regional strategy and approach to facilitate the return of irregular migrants.

62. With regard to technical cooperation, the objectives are to:

Set up and modernize information, monitoring and security systems;

Provide professionally trained staff for governmental institutions dealing with aspects of migration;

Reintegrate repatriated migrants.

## Morocco

[Original: French]
[3 October 1997]

1. Efforts to combat violence against women migrant workers cannot fail to enjoy the unequivocal support of the Moroccan Government, for which addressing issues relating to the status of migrant workers in general, and to their guidance and reception and the protection of their rights has always been a major concern.

2. The equality of all persons before the law is a principle enshrined by the Constitution in its article 5, which states that "all Moroccans are equal before the law", and by the legislation in force. All acts of violence are furthermore punishable under our legislation, whoever may be the perpetrator.

3. Moreover, in 1991 the Moroccan Government established the Office of Under-Secretary of State for Moroccan Nationals Abroad and the Hassan II Foundation to deal with social matters concerning Moroccan workers abroad and members of their families. In addition to activities involving the establishment of contacts and initiation of dialogue with host country Governments, Morocco assigns social attachés to its consulates in host countries to ensure social and legal services for women and men migrant workers.

4. With a view to regulating in a favourable and durable manner the status of the Moroccan community abroad, the Moroccan Government has ratified a number of conventions in this field.

5. These include:

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified on 21 June 1993;

The Slavery Convention, ratified on 11 May 1959;

The International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 18 December 1970;

The Forced Labour Convention, ratified on 16 December 1957;

The Abolition of Forced Labour Convention, ratified on 22 October 1966;

The Convention on the Elimination of All Forms of Discrimination against Women, ratified on 21 June 1993.

6. Morocco has, in addition, concluded several bilateral agreements with various countries such as France, Belgium and Germany. These agreements are essentially concerned with the equal treatment of Moroccan migrant workers and host country workers in respect of social benefits and conditions of employment.

## Philippines

[Original: English]
[2 October 1997]

1. The overseas employment of Filipino workers continues to play an important role in the overall economic development of the Philippines. Since 1975, it has been the largest absorber of Filipino labour and the country's largest source of foreign exchange earnings. As of 1995, the total number of overseas Filipino workers reached 4.2 million, of which 2.4 million are documented through the legal recruitment system.

2. According to government statistics, Filipinos are deployed in more than 150 countries, with the number rising steadily by about 40 per cent annually. In 1996, total deployment was recorded at 660,122 (from 466,095 in 1990), of which 27 per cent were sea-based.

3. A major issue is the increasing number of women in overseas employment. Two decades ago, women comprised only 12 per cent of the overseas workforce. In 1996, 58 per cent of the 206,731 land-based overseas workers were female. It was noted that there seemed to be a preference for young and married women (more than half are from 20-29 years old), most of whom are in vulnerable occupations, particularly in domestic work and entertainment. Their major destinations include Taiwan, Saudi Arabia, Hong Kong, Japan, United Arab Emirates, Singapore and Malaysia.

4. The continuing subjection of Filipino women migrant workers to exploitation and abuse remains an urgent concern of the Philippine Government. As noted in the 1996 Philippine report on General Assembly resolution 50/168,

documented cases of violence include exploitative terms and conditions of work; unpaid salaries; physical abuse, sexual harassment and rape; trafficking and forced prostitution.

5. Of equal concern is the increasing number of Filipinas who also leave the country as fiancée/spouses of foreign nationals. In 1989-1996, the Department of Foreign Affairs' Commission on Filipinos Overseas (CFO) recorded a total of 130,972 or an average of 16,370 Filipino fiancées and spouses of foreign nationals leave the country every year. These fiancées/spouses who work abroad, either in the household or in other workplace, also encounter difficulties inherent to migrant workers, in addition to having to adjust to marital life with a partner of a different culture. This category of women migrants, is in fact, as vulnerable if not more vulnerable to abuses and exploitation brought about by the fact that their stay and settlement overseas are also subject to certain terms and conditions, as in the case of overseas migrant workers. Last year's report outlined the various government policies and measures to prevent abuse and exploitation of women migrant workers, both in the domestic front and at the bilateral as well as multilateral level.

6. Existing policies and measures to prevent and protect women migrant workers against violence and abuse also include the following:

(a) Enhanced inter-agency cooperation in the drive against illegal recruitment

7. It has been noted that aspiring overseas workers continue to be victimized by illegal recruiters who have ingeniously expanded their operations to cover the country's international airports and seaports. Illegal recruitment, in all forms, including human smuggling and trafficking of migrants, poses a serious and persistent problem causing the President of the Philippines, Fidel V. Ramos, to declare the year 1997 as Anti-Migrant Trafficking Year (Proclamation No. 976).

8. On 7 June 1997, the concerned government agencies signed a memorandum of agreement to enhance cooperation of all agencies in the prevention of the existence and/or proliferation of illegal recruiters providing escort services at the international airports and seaports. The government agencies involved are the Philippine Overseas Employment Administration (POEA); the Manila International Airport Authority (MIAA); the Bureau of Immigration (BI); the Department of Foreign Affairs (DFA); the Philippine National Police (PNP); the National Prosecution Service (NPS); the National Bureau of Investigation (NBI). A co-signatory to the memorandum is the Airline Operators Council (AOC), an organization of airline companies operating in the Philippines.

(b) Promotion of workers' education with the end in view of empowering women workers thus enabling them to protect themselves against any form of abuse or violence

9. These consist of the following:

- Pre-departure orientation seminars for women in vulnerable occupations like domestic helpers and entertainers. The seminars

inform participants of the culture and mores of the host countries; the nature of their work overseas; their duties and responsibilities including towards their families; remittance requirements; airport departure procedures; arrival, etc.

- Nationwide pre-employment orientation seminars (PEOs) at the grass-roots level in tandem with local government units, non-governmental organizations, people's organizations and other civic or religious groups.

- Mandatory orientation module on migration in the secondary level curriculum in cooperation with the Department of Education, Culture and Sports (DECS) and the Department of Foreign Affairs (DFA)'s Commission on Filipinos Overseas (CFO). The rationale behind this programme is to already equip entrants to the labour force with information to make intelligent decisions as to work and work site preferences.

- Anti-illegal recruitment campaign involving the support of a massive inter-agency participation of law enforcement bodies and volunteer civic groups.

(c) Institutionalization of age and literacy requirements for women migrant workers in vulnerable occupations

10. Age requirements for domestic helpers in general is 25 years old, those bound for Saudi Arabia and Bahrain, 30 years old, and for female entertainers, 21 years old. Literacy requirements have also been set for domestic helpers and female entertainers, including the ability to speak, write and read English.

(d) Establishment of stringent administrative measures in the selection of destination countries and employers for women workers, particularly those in vulnerable occupations

11. These measures include the following:

- Selective Deployment of Filipino Women Workers (Department Order No. 32, Series of 1996). Destination countries are chosen on the basis of host country laws for foreign workers, presence of mechanisms that allow protection to these workers and bilateral and multilateral agreements. This policy also emphasizes non-vulnerable occupations and the phasing out of occupations that expose women to abuse and exploitation.

- Full Disclosure Policy (Department Order No. 35, Series of 1996). All parties to a contract are required to declare the real terms and conditions in all aspects of the worker's employment. It is also on this basis that workers in vulnerable occupations make well-informed decisions on whether or not to pursue overseas work.

- Deployment Ban/Market or Skills Restriction. Depending on the conditions and the peace and order situation in the host country

and upon the advice of the Department of Foreign Affairs, the Philippine Overseas Employment Administration (POEA) may also recommend the suspension of deployment or the restriction of markets/skills.

- Watchlisting/Blacklisting of Foreign Principals and Employers. Employers, principals and contracting partners found defaulting on their contractual obligations to workers, agencies and/or violating rules and regulations on overseas employment or committing grave misconduct and offences involving moral turpitude shall be prohibited from participating in the overseas employment programme.

(e) Implementation of strict qualifications for agencies and employers of Filipino Overseas Performing Artists (Department Circular No. 01, Series of 1991; Department Order No. 3, 3-A, Series of 1994)

12. These qualifications include the following:

- Set qualifications of legitimate performing artists.

- Pre-qualification of principals/sponsors.

- Pre-qualification of performance venues.

- Posting of escrow deposits by the foreign employers/promoters in the amount of US$ 20,000 or its equivalent in Philippine currency to answer for all claims of the artists against the employer/promoter.

- Comprehensive training and certification of performing artists prior to deployment to ensure that they are skills-ready and psychologically/emotionally prepared for overseas employment.

- In collaboration with the private sector, welfare and monitoring centres were established in strategic locations in Japan to strengthen on-site protection of artists.

(f) Establishment and management of 21 Filipino Workers Resource Centers (FWRCs)

13. The Filipino Workers Resource Centers (FWRC) of the Office of Workers' Welfare and Administration (OWWA) are attached to the Philippine embassies and consulates abroad, particularly where there are large concentrations of overseas workers.

14. The Centers offer overseas workers counselling and legal services, conciliation of disputes arising from employer-employee relations; translation of written complaints and interpretation services during court hearings; procurement of medical and hospitalization services; information and orientation programmes for overseas workers; human resource development including skills training and upgrading. While the Centers cater to all overseas Filipinos, the majority of priority custodial cases are women.

15. Other services offered in the FWRCs include Kabuhayan services such as training and retraining referrals; livelihood loan referrals; investment counselling. Upgrading courses like computer lessons are popular, particularly among domestic helpers in Singapore and Hong Kong who would have the opportunity to upgrade their occupational status by getting employed in the commercial and industrial sectors in their host countries.

16. Social counselling is also offered for women workers and their female dependents to help them cope with the adjustment process once they return home.

(g) Establishment of the Migrant's Advisory and Information Network (MAIN)

17. Through the coordinated effort of 12 government agencies, the purpose is to make information on migration accessible to the public. MAIN Desks will be established in municipalities and cities nationwide to provide information, referral, advisory and counselling services relevant to international migration.

(h) Reintegration services and programmes

18. The FWRCs offer training courses and provide information on employment and livelihood options once workers decide to return to the Philippines permanently or temporarily. All the programmes and services of the Department of Labour and Employment and its agencies are available for all overseas workers. These include skills training and upgrading courses by Technical Education and Skills Development Authority (TESDA), including its own placement services; the Bureau of Local Employment (BLE)'s employment placement and referral services; OWWA's livelihood loan referrals and skills-for-employment scholarship baccalaureate course.

(i) Staff development for DOLE officers attending to women migrant workers

19. Gender-sensitive seminars are incorporated in the training of DOLE-OWWA and officers working directly with OFWs as well as overseas officers.

(j) Repatriation services

20. These services are offered to stranded, detained, maltreated, ailing workers and workers' remains which are implemented in collaboration with Philippine embassies/consulates, the overseas labour corps and the OWWA.

21. The Philippines expresses its strong support for the elaboration of a set of indicators that could be used as a basis for addressing the situation of violence against women migrant workers. These indicators would enable Governments to clearly assess and determine the exact nature, duration and degree of violence that are experienced by women migrant workers as these occur in the sending, transit and receiving countries.

22. The use of indicators would ultimately make it possible for both sending and receiving countries to discuss, agree upon and implement policies, strategies and measures towards bilateral, regional and multilateral cooperation and collaboration in addressing this problem.

23. It will be noted that the indicators as drawn up by the United Nations Expert Group Meeting on Violence against Women Migrant Workers, held in Manila in May 1996 are not gender-specific (i.e., these are applicable to both male and female overseas migrant workers). Nonetheless, the list provides a reliable starting point for the determination of indicators that are more applicable to women migrant workers. Suggested revisions in the list are in capital letters (see attached revised list of indicators).

24. It will also be noted that a great number of women who have migrated abroad in search for work have done so through betrothal or marriage to citizens or nationals of the host country. Since this method of entry to the host country has largely made them vulnerable to exploitation and abuse (both at home and at work), it is suggested that the concerns of fiancés/spouses should also be reflected in the indicators.

25. Finally, the Philippines supports the determination of indicators on situations that render women migrant workers vulnerable to violence. Suggested revisions to the set of indicators of vulnerability drawn up by the United Nations Expert Group Meeting are also reflected in this Philippine submission.

## Russian Federation

[Original: Russian]
[6 October 1997]

1. In accordance with government decision No. 1095 of 5 November 1995, the issuance of licences for the placement of Russian citizens in employment abroad has been entrusted to the Federal Migration Service (FMS) of the Russian Federation. FMS furthermore engages in this activity itself at the State level, in connection with the fulfilment of obligations under intergovernmental agreements signed with foreign States for the reciprocal placement of citizens in employment. Such agreements exist, for example, with Germany, Switzerland, Finland, Slovakia, Poland and other countries.

2. FMS and its regional offices issued or renewed 87 licences to legal persons in 1996 for activities connected with the placement of Russian citizens in employment abroad. About 12,000 Russian citizens were placed in employment in 12 countries during that year, either through FMS or by organizations holding the requisite licences.

3. Placement is effected on the basis of individual contracts which govern in detail all essential matters relating to conditions of work and residence. The activities of the intermediaries are monitored on a continuing basis by the Russian Federal Migration Service by means of routine checks involving visits to firms and analysis of the half-yearly or annual statistical reporting of these organizations. The purpose of such monitoring is to ensure compliance by intermediary organizations with the existing legislation on the placement of citizens of the Russian Federation in employment abroad, and to safeguard their rights and welfare. The number of persons contracted to work in the entertainment sphere by organizations operating under FMS licences does not exceed 100 per year. Mainly dancers or dance troupes travel to Japan,

Egypt or Switzerland. FMS has received no reports of any violation of the rights of workers assigned to this or other spheres of activity in the past two years.

4. However, the problem of the illegal employment of Russian citizens abroad, and of related human rights violations, has become more acute of late. This is being contributed to by the activities of intermediary organizations which arrange for Russians to work abroad without observing the requirements of the legislation of the Russian Federation. Some intermediary organizations have become involved in direct fraud or deceit of citizens to earn illicit profits, inter alia by arranging for women to work illegally in various kinds of night clubs, variety acts or shows, after which they are induced or forced into prostitution.

5. In this connection, FMS is drawing up proposals to supplement the Code on Administrative Offences and Criminal Code of the Russian Federation with articles establishing liability for breach of the procedures applicable to the placement of Russian citizens in employment abroad, as well as to the recruitment and use of foreign labour in the Russian Federation.

## II. COMMENTS RECEIVED FROM UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND INTERGOVERNMENTAL ORGANIZATIONS

### Department of Public Information

[Original: English]
[17 October 1997]

1. The growing number of women migrant workers driven out of their countries by poverty and who suffer inhuman treatment and abuse at the hands of their employers has prompted the international community to take a close look at this issue. The plight of all migrant workers was considered at recent United Nations conferences including the Beijing Conference. The World Conference on Human Rights (Vienna, June 1993) invited States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by General Assembly resolution 45/158 of 18 December 1990. The Declaration emphasized that all migrant workers are entitled to enjoy their human rights regardless of their legal status.

2. The Commission on Human Rights, in its resolution 1997/13, expressed its concern at "the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries" and reiterated that "acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms".

3. Within the United Nations, the Department of Public Information (DPI) has been given primary responsibility for public information programmes and activities. In this context, it coordinates and initiates public information activities for the World Public Information Campaign for Human Rights, in collaboration with the Office of the High Commissioner for Human Rights and other United Nations system-wide partners. In order to raise awareness of the

issue of violence against women, including migrant workers, the Department carries on a multimedia approach to ensure the effective coverage of this issue as well as worldwide distribution of relevant public information materials on human rights.

4. The various ongoing decades, such as the International Decade for Human Rights Education, provide further opportunities to generate awareness and understanding of the question of violence against women migrant workers. In addition, the regular calendar of international days, especially International Women's Day and Human Rights Day, is utilized to generate interest in the work of the United Nations in the field of human rights. In this, the outreach activities undertaken by the United Nations Information Centres and Services have contributed to raising awareness and promoting positive action.

5. In the 1996-1997 programme budget, the Department not only continues to have a mandate under the thematic heading of human rights but also carries out other mandated programmes in such related areas as social, cultural and economic rights; rights of specific groups; and other major issues including, inter alia, the question of Palestine, self-determination, decolonization and the advancement of women. The Department's related activities are regularly reported to the General Assembly and to other intergovernmental bodies under each specific area or issue.

6. The multimedia approach of the Department in the field of human rights includes the production of printed material such as brochures, pamphlets, backgrounders, booklets, fact-sheets, feature articles, posters and information kits regarding United Nations work in the field of human rights. The printed materials, as well as press releases and United Nations documents, are distributed electronically by DPI in English, French and Spanish to the network of United Nations Information Centres (UNICs) and Services (UNISs) and are posted on the United Nations Website on the Internet at the following address: http:\\www.un.org. For example, from January 1996 to August 1997, 404 DPI press releases in English and French were distributed by DPI on human rights issues. In addition to the press releases produced at Headquarters, the Department also reissues the press releases produced in the press coverage activities of the United Nations Information Service at Geneva, on the Commission on Human Rights, the Human Rights Committee, other treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to ensure wider dissemination. These press releases are also posted on the United Nations Home Page which receives 750,000 hits per week.

7. The multimedia approach of the Department also entails radio and television programmes; press conferences, press briefings and special events; exhibits; media outreach activities; activities with educational organizations and NGOs; and public services for visitors and queries. The Department continues to stress the question of violence against women migrant workers in many of its radio and television programmes which are produced regularly by the Department in a variety of languages. These are broadcast by national radio and television stations around the world.

8. In order to promote awareness of the question of violence against women migrant workers, UN Radio continues to cover the issue in its programmes, distributed in the six official languages of the United Nations.

9. The Department also produces UN in Action television programmes on human rights issues for use on the Cable News Network (CNN) weekly programme World Report which is seen in 90 countries.

10. The Department has a Focal Point on Human Rights and another on women's issues in the Development and Human Rights Section who maintain close cooperation with DPI colleagues at Headquarters, in Geneva and the field to promote human rights issues. DPI coordinates the production of related public information materials, and arranges press conferences and radio interviews for the High Commissioner for Human Rights, special rapporteurs and chairpersons of the Committee on the Elimination of Discrimination against Women (CEDAW) and other treaty bodies when they are in New York, Geneva and in the field.

11. The Department maintains regular contact with non-governmental organizations. In 1996-1997, the Department covered human rights issues in several of its weekly NGO briefings at Headquarters. Some 150 participants representing many non-governmental organizations that are in association with the Department and in consultative status with the Economic and Social Council regularly participated in each briefing.

12. Special events to observe international days or years are another means of promoting United Nations concerns and to generate interest in the work of the United Nations in the field of human rights. These are organized at Headquarters by the Department, and in the field the United Nations Information Centres and Services also undertake special activities at the national and local levels to publicize the work of the United Nations on human rights.

13. At Headquarters, a special event was organized by DPI to mark Human Rights Day in 1996. This all-day event provided United Nations and human rights experts, government representatives, journalists and representatives of non-governmental organizations with a forum to present and discuss specific human rights issues. It was opened by the Secretary-General and addressed by the New York representative of the High Commissioner for Human Rights.

14. The afternoon session addressed several themes, including "The right to development: Is poverty an abuse of human rights?", at which Ms. Sydney Jones, Director of the Asia Division of Human Rights Watch, presented "The problems of migrant workers".

15. The event was moderated by Ms. Charlayne Hunter-Gault, national correspondent with the television programme "News Hour with Jim Lehrer" and producer of the well-known television programme "Rights and Wrongs". Both television programmes are broadcast on the National Public Broadcasting System (PBS) in the United States of America.

## International Organization for Migration (IOM)

[Original: English]
[23 October 1997]

1. Population growth and economic disparities drive ever larger groups of people to migrate and search for better material welfare in other countries.

Labour migration is a growing phenomenon in both regular and irregular forms. An increasing number of labour migrants are women. Female migrants, particularly those in irregular situations, and whose movements are facilitated by traffickers, too often are victims of exploitation and violence.

2. At the time when countries of destination are tightening their regimes concerning labour immigration, traffickers can charge exorbitant sums for their services. Trafficking in women, often arranged to serve the interests of the sex industry and exploitative labour, is a phenomenon which may involve deception, threats, coercion, physical and mental violence against the female victims.

3. Trafficking has been on the International Organization for Migration's agenda since its first global seminar on trafficking in migrants which was held in 1994. Thereafter, IOM has continued to address this problem inter alia by research, information and counselling for migrants, technical cooperation, direct assistance to migrants, in particular, trafficked women, and seminars.

4. One of the seminar events, the European Conference on Trafficking in Women for Sexual Exploitation, was arranged in cooperation with the European Union in June 1996 in Vienna, Austria. Since that meeting, the cooperation with the Union has been continued. Presently IOM is, at the request of the European Commission, carrying out an assessment of the availability and adequacy of statistical data in the EU and other countries on trafficking in women and children.

5. IOM has also carried out a number of studies on trafficking in women for sexual exploitation in Europe, the Caribbean and Asia. The most recent dealt with the issue of trafficking of Filipino women to Japan and was published in April 1997. The report is also available on IOM's Website (www.iom.int). Since 1994, IOM has published a quarterly information bulletin Trafficking in Migrants, including articles on trafficked women.

6. Concrete assistance to the female victims of trafficking has been given in Asia, where IOM's return and reintegration projects have helped trafficked women to return to Viet Nam, Cambodia and China. In addition to the help rendered to the actual victims, preventive information campaigns are carried out to alert potential victims to the risks of trafficking and its dire consequences.

7. IOM's twelfth global seminar on migration, held in April 1997, addressed the rights of migrant women most prominently with the recommendation "that international cooperation and dialogue between countries of destination and origin focus on joint efforts to deal with migration issues by means of bilateral and multilateral agreements, and that priority be accorded to the rights, security and dignity of migrants with special attention to migrant women and migrant children" and further "that States ensure the respect of human rights and dignity of migrants, including those holding irregular status, and sign and/or ratify bilateral and existing multilateral agreements or conventions in this regard".

8. Trafficking continues to be part of IOM's activities in the future. Regional seminars will be arranged on irregular migration and trafficking in East and South East Asia, in Manila in December 1997, and on trafficking in migrants in Central and Northern America, in Managua in January 1998. Also, more generally, IOM will both in its operative work and seminar activities keep on its agenda the rights and protection of migrants, especially the rights of vulnerable groups such as female migrant workers.

## United Nations Children's Fund

[Original: English]
[17 December 1997]

1. Although UNICEF is not actively supporting programmes which are specifically directed at women migrant workers, UNICEF addresses this particular issue within the human rights framework it has adopted in keeping with the Convention on the Rights of the Child. The issue of violence against women migrant workers is dealt with pursuant to UNICEF policy concerning the rights of children and women, which is embodied in the Mission Statement adopted by the UNICEF Executive Board in 1996 and provides as follows:

> "UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.
>
> "UNICEF aims, through its country programmes, to promote the equal rights of women and girls and to support their full participation in the political, social and economic development of their communities."

2. Guided by the Convention on the Rights of the Child and considering other international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, as important references, UNICEF focuses particular attention on respecting, promoting and protecting the rights of girls and women in all its relevant activities. In accordance with the Convention on the Rights of the Child, UNICEF has expanded its focus and is increasingly addressing the concerns of children below the age of 18. Of particular relevance to the rights of girls is the principle of non-discrimination recognized in article 2 of the Convention on the Rights of the Child, including on the basis of gender. A number of specific articles in the treaty further provides protection to girls against exploitation and abuse. These articles are, inter alia, 19, 32, 35, 36, 37 and 39.

3. The situation of women migrant workers is frequently characterized by adverse and perilous circumstances leading to neglect and abuse, as well as the gross violations of their human rights. UNICEF supports initiatives which are intended to prevent such situations through educational means, and through special measures which aim to protect those who run a greater risk of exploitation and violence. Children working under hazardous and/or exploitative conditions, particularly domestic servants, fall into this category.

Education of girls

4. Recognizing that gender inequalities greatly contribute to creating an abusive environment where girls and women are the primary victims of violence, UNICEF considers education as a key preventive measure and essential tool to ensure the empowerment of girls and women. It has therefore made a full commitment to support basic education for all girls, who are the largest single group that is being denied their right to education. It is also supporting initiatives which provide health care for adolescent girls and women, and to the protection of girls from abuse and exploitation.

5. Girls continue to receive foremost attention in South Asia, the Middle East and North Africa both in advocacy and programme action. To this end, UNICEF works closely with NGOs focusing on the rights of girls and as part of the follow-up to the Beijing Platform for Action. In close collaboration with the NGO Working Group on Girls, an international network of 400 NGOs, UNICEF continues to ensure that the implementation of the girl child component of the Beijing Platform for Action remains a priority.

6. UNICEF has facilitated the use of gender-sensitive practices, textbooks and other educational materials. In Mauritania and Guatemala "girl-friendly" schools result from a combination of factors including, parental participation, sanitary facilities, safe transportation facilities, and flexible calendars to accommodate girls' other household responsibilities.

7. In sub-Saharan Africa, the right of a girl to education has been strengthened by the Alliance for Community Action on Female Education, a UNICEF partnership with non-governmental partners. This programme, which advances the role of African NGOs and community-based groups in improving girls' education, is to be piloted in four countries including Zambia and Ghana. UNICEF is also working with NGOs like Sinaga, in Kenya, to create basic education and training programmes for young workers, who are given opportunities to learn a variety of skills including reading and writing, cooking, typing and tailoring.

8. In Egypt, an innovative project, "Girls of the Nile", is ensuring that girls in remote villages receive an education. The project comes about through a collaborative effort involving UNESCO, national Governments, NGOs and communities.

Girls in need of special protection

9. UNICEF also addresses the issue of exploitation of girls working in situations which are tantamount to hazardous and intolerable forms of child labour. UNICEF has provided a comprehensive strategy against hazardous child labour which appears in the report, The State of the World's Children 1997. UNICEF believes that child labour is exploitative if it involves:

Full-time work at too early an age;

Too many hours spent working;

Work that exerts undue physical, social or psychological stress;

Work and life on the streets in bad conditions

Inadequate pay;

Too much responsibility;

Work that hampers access to education;

Work that undermines children's dignity and self-esteem, such as slavery or bonded labour and sexual exploitation;

Work that is detrimental to full social and psychological development.

10. As was pointed out in the 1997 report, throughout the world, there are significant numbers of children engaged in plantation labour under hazardous conditions. The physical risks to these children range from dangerous chemicals to faulty machinery. For example, in sugar plantations, children cut cane with machetes and are at constant risk of mutilation. In most cases, children are working such long hours that it constitutes exploitation. In tea estates, children are often found working for very low wages and frequently put in more than 14 hours a day. On rubber plantations, 17-hour days are common. In coffee plantations, children can also be found putting in long hours and working under hazardous conditions.

11. But the most common kind of child labour where girls are more likely to be exploited is agricultural, or domestic work for the family. Under these circumstances girls are especially vulnerable to sexual abuse and exploitation. In many cases, young girls are taken away from their countries of origin to work in foreign environments where they may be subjected to a different culture and where they may not speak the local language. There is evidence that these circumstances make them easy targets for trafficking and prostitution.

12. UNICEF supports a number of initiatives in all regions of the world to prevent sexual exploitation and child trafficking, as well as other forms of abuse of children. These initiatives include:

(a) Specialized services for rehabilitation and reintegration of child victims;

(b) Elaboration and follow-up of national and local plans of action on sexual exploitation of children;

(c) Local workshops to mobilize public opinion and to promote municipal activities aimed at safeguarding the rights of children;

(d) NGO programmes aimed at prevention with an emphasis on family abuse;

(e) Development of national networks for prevention of child prostitution;

(f) Training of personnel working with children, particularly social workers and those working in relevant institutions;

(g) Establishment of woman and child abuse centres; and

(h) Research and development of case studies.

United Nations Educational, Scientific and Cultural Organization

[Original: English]
[11 November 1997]

1. The United Nations Educational, Scientific and Cultural Organization (UNESCO), through its Management of Social Transformations Programme (MOST) is undertaking a study on the rights of migrant Thai women. This work is being conducted by the MOST-Asia Pacific Migration Research Network (APMRN). The study will compare legislation on the rights of female domestic workers across several immigrant-receiving countries in the Asia Pacific region, examining the extent to which the receiving countries provide Thai migrants with proper rights in terms of wages, social welfare and other basic human rights. The analysis is being conducted by the Thai APMRN team led by Dr. Supang Chantavanich, Asian Research Centre for Migration, Chulalongkorn University.

2. Also, the UNITWIN Network on Forced Migration run by UNESCO has as a focal point the renowned Refugees Studies Programme (RSP) of the University of Oxford. The RSP publishes a monthly newsletter Refugee Participation Network whose October 1997 issue is devoted to refugee women.

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